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April 1, 2025

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VIA ECF

The Honorable Ronnie Abrams
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Courtroom 1506
New York, New York 10007

Re: Andy Ryan Photographer, LLC v. Berk et al.
Civil Action No. 1:25-cv-00558-RA

Dear Judge Abrams:

We have recently been retained to represent Defendants Bobby Berk (“Mr. Berk”) and Bobby Berk Home Soho LLC (“BBHS”) (collectively, “Defendants”) in this action.

Plaintiff has filed a proof of service indicating that BBHS was served on January 27, 2025, via service upon the New York Secretary of State. However, Defendants did not actually receive notice of Plaintiff’s lawsuit until Plaintiff’s counsel provided a copy of the Complaint to Defendants via email on March 20, 2025.

As soon as we were retained, we contacted Plaintiff’s counsel to request an extension of time to respond on behalf of BBHS, as BBHS requires time to investigate the claims in the Complaint and its potential defenses, and to discuss service on Mr. Berk, who has not yet been formally served. As a result of these discussions, Mr. Berk has agreed to execute a Waiver of the Service of Summons, which will make Mr. Berk’s response due on June 2, 2025, and we have agreed with Plaintiff’s counsel to extend the deadline for BBHS to respond to that same June 2, 2025 date, which will streamline the case and avoid multiple responses to the Complaint and give counsel sufficient time to prepare a response. The parties also believe that it would be more efficient to hold the initial case management conference after Defendants have responded to the Complaint.

Accordingly, we write to request an extension of time for BBHS to respond to the Complaint until June 2, 2025. We also ask that the Court adjourn the initial case management conference currently scheduled for April 18, 2025, to a date after Defendants have responded to the Complaint.

Pursuant to Your Honor’s Individual Rules, Defendants state that they have not made any previous requests for an adjournment or extension, and that the requested extensions will not affect any scheduled dates for this matter. We understand that You Honor previously continued the date of the initial case management conference at Plaintiff’s request.

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We thank the Court for its consideration and ask that it contact the undersigned should any additional information be desired.

Respectfully submitted,



Tyler E. Baker
for SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP

cc: Counsel of Record (via ECF)

Application granted. The conference previously scheduled for April 18, 2025 is hereby adjourned to June 13, 2025 at 1:30 p.m.

SO ORDERED.



Hon. Ronnie Abrams
April 2, 2025